IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

WA.No. 2007 OF 2006()

APPELLANT: RESPONDENT NO.1.

KERALA ELECTRICAL AND ALLIED ENGINEERING
COMPANY LTD., REP. BY ITS MANAGING DIRECTOR,
7TH FLOOR, HOUSING BOARD OFFICE COMPLEX,
PANAMPILLY NAGAR, KOCHI-682 036.

BY ADV. SRI.N.D.PREMACHANDRAN

RESPONDENTS: PETITIONERS AND 2ND RESPONDENT
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1. P.V.NARAYANAN,
PARUTHURUTHIL MATTAM,
KANJIRAMATTOM P.O., ERNAKULAM DISTRICT-682 315.

2. E.J.THOMAS, EDAPALAKATTU HOUSE,
VII/262, MAMPILLY LANE, EROOR SOUTH,
TRIPUNITHURA-682 306.

3. A.P.GEORGE, ERATTAPEEDIKAYIL VEEDU,
KADAYIRIPPU, KOLENCHERY-682 311.

4. A.NARAYANAN, EDAKKATTIL HOUSE,
PARAT LANE, ALWAYE-683 101.

5. K.C.JOSEPH, KUTTAMPARAMBIL,
NETTOOR P.O., MARADU VIA.,
ERNAKULAM.

6. P.K.LOHITHAKSHAN,
PALLIKADAVATH HOUSE,
THIRUVANKULAM P.O.

7. P.K.JOY,
PAZHAMPALLIL HOUSE, POOTHOTTA P.O.

8. M.RAMACHANDRAN, THEKKEDATH HOUSE,
ASTHAMICHIRA, MALA POST,
TRICHUR.

9. MURALEEDHARAN NAIR K.,
SANTHI BHAVAN, LAL BAHADUR SASTHRI ROAD,
THIRUVANANTHAPURAM-682 305.

10. GRACY JOSEPH, KURISINKAL HOUSE,
KUMARAPURAM P.O., PALLIKKARA, ERNAKULAM.

11. GOGY PYNADATH,
HOUSE NO.53/566, SANTHI NAGAR,
THEVARA, COCHIN-681 013.

12. SHAJU MATHEW, MANGALATHU HOUSE,
28/1056 A, INDIRA NAGAR, COCHIN-682 020.

13. T.K.GOPAKUMAR, THANATHU HOUSE,
KIDANGUR P.O., KOTTAYAM-686 572.

14. T.K.RADHAKRISHNAN, GITANJALI, F-10,
JAWAHAR NAGAR, THIRUVANANTHAPURAM.

15. K.SASIDHARAN, NO.44,
VRINDAVAN COLONY, PF OFFICE ROAD,
PATTOM POST, THIRUVANANTHAPURAM-695 004.

16. REGHUNATHAN NAIR G.,
KAREEPRA HOUSE, THEVALLY P.O.,
KOLLAM-9.

17. M.S.RAJENDRA BABU, HOUSE NO.36,
POTHUJANAM LANE, KUMARAPURAM,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM.

18. SURESH RAJ K.,
KARUNYA, KARIKUZHY, MAYYANADU P.O.,
KOLLAM-691 303.

19. AJITH KUMAR M.S., VASALAYIL HOUSE,
MARUNGATTUPALLY P.O., KOTTAYAM.

20. YATHINDRA DAS A.,
AVINJIKKATT MANA, PUNARTHAM VALAPURAM P.O.,
PULAMANTHOLE VIA., MALAPPURAM DISTRICT.

21. CHENTHAMARAKSHAN C.K.,
CHETTUMAD KALAM, KUNNAMKATTUPATHY P.O.,
CHITTUR, PALAKKAD-678 101.

22. GEORGE T., JYOTHI NIVAS,
SURYA NAGAR, AKATHETHARA ENGINEERING COLLEGE P.O.,
PALAKKAD-678 009.

23. JOSE M.P., MALANA HOUSE,
R.K.NAGAR, NSS ENGINEERING COLLEGE P.O.,
PALAKKAD-678 008.

24. VENUGOPAL K., JYOTHI SREE,
KALLEKULANGARA P.O., PALAKKAD-678 009.

25. VENUGOPAL K., JYOTHI SREE,
KALLEKULANGARA P.O., PALAKKAD-678 731.

26. VENUGOPAL P.N., THEKKE VEEDU,
VANDAZHY P.O., PALAKKAD-678 706.

27. THRESIAMMA V.V.,
THALIYAN HOUSE, INDUSTRIAL ESTATE P.O.,
PALGHAT-31.

28. GOPINATH A., ASWATHY,
SRK NAGAR P.O., OTTAPALAM-679 103.

29. SIVAPRASAD K., KAVU MATTOM,
KUDLU P.O., KASARAGOD-671 124.

30. RAMAKRISHNAN A.C., ASWATHY,
NEW STREET, MUZHAPPANANGADY P.O.,
KANNUR-670 662.

31. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SMT.AYSHA YOUSEFF &

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20/11/2006, ALONG WITH W.A. 2033/06, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K.P. BALACHANDRAN, JJ.

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W.A. NOS. 2007 & 2033/2006

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DATED THIS, THE 20TH DAY OF NOVEMBER, 2006.

J U D G M E N T

Raman, J.

Both these appeals arise out of the common judgment rendered by the learned Single Judge in W.P.(C) Nos. 19824/2004 and 18366/2004 under date 14.6.2006. First respondent - Company in both the writ petitions is the appellant herein.

2. The writ petitioners were Officers of the appellant Company. When the appellant published a scheme for voluntary retirement, writ petitioners opted to retire under the said Scheme. Accordingly, they were paid additional benefits payable to them in terms of the said Scheme; but not granted pay revision arrears payable as per Clause (4) of G.O. (MS) 52/2001/ID dated 20.3.2001. The appellant took the stand that they are not eligible to be paid any such arrears, since they cannot be treated as persons who normally retired from the service of the Company. Aggrieved thereby, some of the employees who opted for voluntary retirement, filed

the writ petitions. The learned Single Judge disposed of the writ petitions, directing the appellant to release pay revision arrears due to the workers within two months, in terms of Clause 4 of the Government Order, referred to above. Aggrieved thereby, the employer - Company has come up in appeal.

3. W.A. Nos. 1660 & 1688/2006 were filed by the appellant challenging the decision rendered by the learned Single Judge in similar writ petitions - W.P.(C) Nos.34292/05 and 30920/05 respectively. A Division Bench of this Court, to which one of us was a party (Balachandran, J.), dismissed the appeals confirming the decision rendered by the learned Single Judge. As such, these writ appeals are covered by the said decision of the Division Bench.

No grounds for interference. Dismissed.

P.R. RAMAN,
(JUDGE)

K.P. BALACHANDRAN,
(JUDGE)

knc/-